

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH HILSEKI,

Plaintiff,

Hon. Paul L. Maloney

v.

Case No. 1:07-cv-01049

KENT COUNTY CORRECTIONAL
FACILITY,

Defendant.

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REPORT AND RECOMMENDATION

On October 30, 2007, the Court entered an order setting a Rule 16 Scheduling Conference in this matter for December 6, 2007 (Dkt. 6). On October 30, 2007, a copy of the order was sent to Plaintiff. On December 6, 2007, at the scheduled time for the conference, the court and counsel for Defendant were present but Plaintiff did not appear. Nor did Plaintiff contact the court. After waiting a significant amount of time, the court noted Plaintiff's non-appearance on the record and stated that an Order to Show Cause would issue.

In the Order to Show Cause entered December 6, 2007 (Dkt. 10), Plaintiff was ordered to appear before Magistrate Judge Ellen S. Carmody on December 17, 2007 at 11:00 a.m. to show cause why this matter should not be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. A copy of the Order to Show Cause was sent to Plaintiff on December 7, 2007.

On December 17, 2007, the Court and counsel for Defendant waited from 11:00 a.m. to 11:20 a.m. but Plaintiff did not appear as ordered. Nor did he contact the Court. At 11:20 a.m. the Court went on the record to state that a Report and Recommendation would issue.

As stated on the record in open court, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court.

Respectfully submitted,

Date: December 17, 2007

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).